



TOWN OF BRISTOL

230 Lake Street, Bristol, NH 03222

Pamela Monroe, SEC Administrator
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Collis Adams, CWS, CPESC
Land Resources Management/Wetlands Bureau Administrator
NH Department of Environmental Services
29 Hazen Drive
Concord, NH 03302

Re: NH Site Evaluation Committee Docket No. 2015-06 - Joint application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire dba Eversource Energy

Dear Ms. Monroe and Mr. Adams:

The Bristol Conservation Commission is in receipt of the above mentioned Certificate for Site and Facility application. The review of its application documents included NH Department of Environmental Services applications for Wetlands permits, Shoreland Permits and Alteration of Terrain permits. In response to these the Bristol Conservation Commission offers the following comments and concerns to be considered by the both NH DES and the Site Evaluation Committee as they make their decisions on these applications.

As a layperson Commission, we are concerned that the Town will not be represented well in this process as none of our Commission members have the expertise to decipher all of the documentation submitted with this application.

After reviewing all pages of the NHDES Wetlands & US Army Corps of Engineers Section 404/10 Permit Application Plans pertaining to project activities to be conducted in Bristol, those numbered 1389-1407, it is clear that there are active wetlands in all the sections located in Bristol and all will require ground disturbance to install the proposed towers.

In total there are 32 wetlands covering 8.5 acres including 18 rivers and streams, the largest of which are; Ten Mile Brook, Abel Brook, and the Pemigewasset River. Northern Pass Transmission has estimated that 17,297 square feet will be directly impacted by their construction projects with 64 square feet of this permanently impacted.

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The monetary assessment of this impact is estimated at \$270,564.80. A proposal for corrective drainage work at Red Fox Village in Bristol outlining an issue impacting Newfound Lake was offered as possible mitigation project for the Northern Pass project when the applicant solicited ideas from impacted towns. This was denied as a suitable project by Northern Pass Transmission for compensatory mitigation, as were all projects submitted by impacted towns. It seems to the Bristol Conservation Commission that mitigation efforts for this project should offer the impacted communities solutions to specific issues that could benefit not only the impacted community but the State of NH as well. This mitigation project proposed for Bristol would reduce pollution of Newfound Lake. We would hope that both NH DES and NH SEC would consider the options for mitigation in impacted towns seriously as they deliberate on respective applications.

Further, the impact to 32 wetlands in Bristol is of great concern. Bristol has a Wetlands Ordinance restricting activity in Wetlands Conservation Overlay District. At first inspection it appears that each wetland impacted is subject to the requirement for a Bristol Special Use Permit as outlined in the Wetlands section of our current Zoning Ordinance. It is the position of the Bristol Conservation Commission that this ordinance should be cited as a compliance issue for the applicant should NH DES and SEC committee move toward permitting its project activities. Our Zoning ordinance can be downloaded at

http://www.townofbristolnh.org/Government/Zoning/Additional%20Links/zoning_ordinance.pdf

See attached Bristol Zoning Ordinance Wetlands Conservation Overlay District section 9.2 - 9.9.

For the record, Bristol Conservation Commission is against the Northern Pass project as it is described in its applications. The Commission sides with its Select Board and townspeople that this project would better serve the community of Bristol and its surrounding Lakes Region communities if the transmission lines were buried. As a community which depends greatly on the seasonal tourism dollars that come from those who prefer to visit our community for the many seasons of recreational activities afforded by our pristine Newfound Lake, its viewshed, and watershed which include fishing, swimming, canoeing, kayaking, hiking, biking, skiing, snowshoeing, and more, we implore the Site Evaluation Committee to carefully consider the impacts of this project to Bristol's natural environment and its tourism based economy.

Very truly yours,



Janet F. Cote, Chair
Bristol Conservation Commission
230 Lake Street
Bristol, NH 03222

Town of Bristol Zoning Ordinance - ARTICLE IX WETLANDS CONSERVATION OVERLAY DISTRICT 9.1

TITLE AND AUTHORITY

A. This Ordinance shall be known as the "Wetlands Conservation Overlay District Ordinance of the Town of Bristol, NH" adopted March 13, 1990.

B. By the authority granted in NH RSA 674:16-17 and 674:20-21, and in the interest of public health, safety, and general welfare, the Bristol Wetlands Conservation Overlay District Ordinance is hereby established to regulate the uses of lands subject to standing water, flooding, or high water tables for extended periods of time.

9.2 PURPOSE AND INTENT

A. The purpose of this ordinance is to protect the public health, safety and general welfare by controlling and guiding the use of land areas which are subject to standing water, flooding, or high water tables for extended periods of time. The intent of this Ordinance is to perform the following:

1. To prevent the development of the structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and ground water by sewage, sediment, and/or noxious substances.
2. To prevent the destruction of, or significant changes to, natural wetlands which provide flood protection.
3. To protect rare, unique, and unusual natural species, both flora and fauna.
4. To protect wildlife habitats and maintain ecological balances.
5. To protect existing and potential water supplies and aquifers (water-bearing strata) and aquifer recharge area.
6. To prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.

9.3 WETLAND DEFINITIONS Definitions of the Zoning Ordinance are found in Article VIII. The following supplementary definitions are provided to explain the terms and phrases used within this Article.

A. BEST MANAGEMENT PRACTICES Applying the appropriate techniques to minimize disturbance and impact to the wetland resulting from those activities which will alter the natural character of the wetland.

B. BOARD The Planning Board of the Town of Bristol.

C. CERTIFIED SOIL SCIENTIST An individual duly qualified in soil classification and mapping, certified by the New Hampshire Board of Natural Scientists under the provisions of RSA 310-A:75.

D. DESIGNATED AGENT An individual designated by the Conservation Commission to carry out its function and purpose.

E. POLLUTION Harmful thermal effect or the contamination, or rendering unclean or impure of any wetlands of the Town of Bristol, by reason of any waste or other materials discharged or deposited therein. This includes, but is not limited to, erosion resulting from any filling or excavation activity.

F. SPECIAL USE PERMIT A permit for a use not otherwise permitted in the Wetlands Conservation Overlay District which may be granted by the Planning Board (as authorized by RSA 674:21 II) provided it meets the criteria set forth in Section 9.6.

G. WETLAND (PLANT) BIOLOGIST An individual duly qualified to identify and classify wetland vegetation, and who is recommended by the Conservation Commission of the Town of Bristol, NH. 58 ARTICLE IX, WETLANDS DEFINITIONS continued:

H. WETLANDS Areas defined as, but not restricted to, lakes, ponds, rivers, streams, marshes, swamps, and bogs and such areas which are at least in part underlain by poorly drained and very poorly drained soils, as defined by the National Cooperative Soils Survey, for Grafton County, NH, of the Natural Resource Conservation Service of the U.S. Department of Agriculture (USDA), as it may be amended from time to time. Upon inspection during the growing season, wetlands have visible water at or near ground surface level, and wetlands have plant species characteristic of one or more of the wetland association types. (See NH Wetlands Bureau Code of Administrative rules for further definitions of these wetland association types and their vegetative components).

9.4 WETLANDS CONSERVATION OVERLAY DISTRICT

A. Wetlands Conservation Overlay District Defined: The Wetlands Conservation Overlay District is defined as those areas delineated on the "Town of Bristol - Wetlands Map 1988" and in the associated report prepared by B.H. Keith Associates, The Wetlands of Bristol, NH, An Inventory and Evaluation, 1988, and comprised of very poorly and poorly drained soils. Copies of this map and report are available for inspection in the office of the Town Clerk or the Conservation Commission. In all cases, the precise location of wetland areas shall be determined by the actual character of the land, and the distribution of wetland soil types. Such determinations shall be made by field inspection and testing conducted by a certified soil scientist and/or wetland biologist.

B. Establishment of the Wetlands Conservation Overlay District The limits of the Wetlands Conservation Overlay District are hereby determined to be areas of one acre or more in size, characterized by very poorly and poorly drained soils; areas of any wetland of any size if contiguous to surface waters such as lakes, ponds, and streams; areas subjected to high water tables for extended periods of time and includes, but not limited to, all such areas delineated as wetlands on the "Town of Bristol" - Wetlands Map 1988". The Conservation Commission or its designated agent(s) shall inventory and maintain current records of all wetland areas within the town. The commission may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands within the

town. Such information may be submitted to the Commission and Board for change to the Wetlands Conservation Overlay District.

C. Wetlands Incorrectly Delineated

1. If either the applicant or the Board questions the "Town of Bristol-Wetland Map 1988" as amended, or the Wetlands Conservation Overlay District boundaries established under this Article, the applicant shall engage a certified soil scientist to conduct a field analysis to determine the precise location of the Wetlands Conservation Overlay District boundaries on the affected properties. The soil scientist shall submit a report of his/her findings to the Planning Board and the Conservation Commission including, but not limited to, a revised soils map of the area in 59 ARTICLE IX, 9.4C WETLANDS INCORRECTLY DELINEATED continued: question, a written on-site field inspection report and test boring data if applicable. The 1"= 1000' scale map prepared by B.H. Keith Associates is adequate for community planning purposes, but cannot be considered final for purposes of engineering a particular site for development.

2. Upon receipt of the report, the Planning Board, in consultation with the Conservation Commission, may refer it for review to a certified soil scientist of its own choosing. The applicant shall be responsible for any costs incurred by the Planning Board in connection with this independent review of its experts' report.

3. Upon receipt of its experts' review, the Planning Board, in consultation with the Conservation Commission, shall determine the applicability of this Article to the lot or parcel in question. D. Relation to Other Districts Where the Wetlands Conservation Overlay District is superimposed over another zoning district, the more restrictive regulations shall apply.

9.5 PERMITTED USES The following operations and uses shall be permitted in wetland: A. Uses which will not require the erection or construction of any structures or buildings, will not alter the natural surface configuration by the addition of fill or by dredging, and uses that otherwise are permitted by the Zoning Ordinance. Such uses shall include the following:

1. Forestry-Tree Farming, using best management practices to protect wetlands, to minimize the disturbance of soil surfaces, to avoid erosion and siltation into wetlands.

2. Grazing, Farming, Nurseries, and Cultivating and Harvesting of Crops, using recognized soil conservation practices, including the protection of wetlands from pollution caused by fertilizers, pesticides, and herbicides used in such cultivation.

3. Wildlife Refuges, using best management practices to protect wetlands consistent with the intent of this Ordinance.

4. Outdoor parks, and recreation purposes, being low intensity uses, not involving structures, alteration of the terrain, or wheeled vehicles, using best management practices to protect wetlands consistent with the intent of this Ordinance.

5. Education, scientific research, conservation areas, and nature trails using best management practices to protect wetlands consistent with the intent of this Ordinance.

6. Open spaces, as permitted or required by the Subdivision Regulations or the Zoning Ordinances.

7. Uses incidental to the enjoyment or maintenance of residential property. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of material from or into a wetland without first being granted a Special Use Permit per Article IX (Section 9.6) of this Ordinance.

8. No person shall conduct or maintain another activity without first obtaining a Special Use Permit described in Article IX (section 9.6).

9.6 SPECIAL USE PERMIT

A. A Special Use Permit may be granted by the Board, after public notice and public hearing, for undertaking the following uses in the Wetlands Conservation Overlay District. The application shall be referred to the Conservation Commission and the Health Officer, for review and comment at least thirty (30) days prior to the public hearing.

1. Streets, roads, and other access ways and utility right-of-way easements, including power lines and pipe lines, if essential to the productive use of land not so zoned, and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands.

2. Water impoundments for the purposes of creating a water body for wildlife, on-site detention of surface runoff and or/recreational uses.

3. The undertaking of a use not otherwise permitted in the Wetlands Conservation Overlay District or adjacent buffer areas, if it can be shown that such proposed use is not in conflict with any and all of the purposes and intentions listed in Article IX (Section 9.2) of the Ordinance. (amended 3/09/10)

B. The Board shall regulate any operation within or use of a wetland involving removal or deposition of material, or any obstruction, construction, alteration, or pollution, of such wetlands unless such operation or use is permitted pursuant to Article IX (Section 9.5) of this Ordinance.

C. Any person found to be conducting or maintaining an activity without prior authorization of the Board or violating any other provision of this Ordinance, shall be subject to the enforcement proceedings and penalties prescribed in Article IX (Section 9.9) of this Ordinance and any other remedies provided by law. (See RSA 676:17). D. If granted, the Special Use Permit shall be valid for a period of one (1) year from the date of issue, and shall expire if not implemented by that time, unless a longer period is specified and approved by the Board in consultation with the Conservation Commission.

9.7 CONSIDERATION FOR DECISIONS

A. The Board may consider the following in making its decision on an application:

1. The application and its supporting documentation;
2. Public comments, evidence and testimony from a public hearing;
3. Reports from other agencies and commissions including, but not limited to, the Town of Bristol: a. Conservation Commission b. Health Officer

4. Comments from the Grafton County Conservation District, the Lakes Region Planning Commission, NH Wetlands Board, the U.S. Army Corp of Engineers, or other technical agencies or organizations which may undertake additional studies or investigations.

5. Non-receipt of comments from agencies and commissions listed in 3. and 4. above within the prescribed time shall neither delay nor prejudice the decision of the Board.

B. Standards and criteria for decision The Board shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:

1. The environmental impact of the proposed action, including the effects on the wetland's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety.

2. The character and degree of injury to, or interference's with safety, health, or the reasonable use of property, including abutting or downstream property, which would be caused or threatened by the proposed activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetlands plants, the dangers of flooding and pollution, and the destruction of the economic, esthetic, recreational, and other public and private uses and values of wetland to the community.

9.8 SPECIAL PROVISIONS

A. No leaching portions of a private subsurface sewage disposal system may be constructed or enlarged within a wetland or closer than one hundred twenty five (125) feet to the aboundary of the Wetlands Conservation Overlay District unless a Special Use Permit is granted by the Board following the procedures and criteria applicable to granting such a permit specified in Sections 9.6 and 9.7 of this Ordinance. (amended 3/13/07, 3/09/10) 62 ARTICLE IX, SPECIAL PROVISIONS continued:

B. No development activity involving the construction or demolition of structures, changes to the site, or any uses of the site other than those listed under Section 9.5 of this Ordinance shall encroach within fifty (50) feet of the Wetlands Overlay Conservation District unless a Special Use Permit specifically allowing that use is granted by the Board. The uses which may be allowed within a wetland setback by

Special Use Permit and the procedures and criteria applicable to granting such a permit shall be governed by Sections 9.6 and 9.7 of this Ordinance. All efforts shall be made by the site developer to maintain the fifty foot buffer between the construction activity and the Wetlands Conservation Overlay District boundary in its existing undisturbed natural vegetative state. (amended 3/13/07, 3/09/10, 3/10/15)

C. No part of any wetland may be considered as part of the minimum size requirements of any lot, unless said lot preexisted this Ordinance, was approved by the Planning board, was recorded in the Registry of Deeds, and otherwise meets all provisions of the Zoning Ordinance.

D. All land included in the Wetlands Conservation Overlay District shall be appraised for tax purposes at its full and true value in money, based on its market value as undeveloped land required to remain in open space.

9.9 ADMINISTRATION AND ENFORCEMENT

A. The Board is hereby authorized and empowered to adopt such rules as are necessary for the efficient administration and enforcement of this Ordinance.

B. Upon any well-founded information that this Ordinance is being violated, the Planning Board or Conservation Commission or any citizen may report the violation to the Board of Selectmen. Either Board may recommend such enforcement actions as may be appropriate and lawful. RSA 676:17. Upon receipt of the information that this Ordinance is being violated, the Land Use Office shall notify the owner or tenant of the property on which the violation is alleged to occur. Where appropriate, the Board and/or Conservation Commission may notify the New Hampshire Wetlands Board and/or the U.S. Army Corp of Engineers of the violation. (amended 3/13/07)

C. A civil penalty not to exceed the statutory maximum (\$100) may be imposed for each day that such violation is found by the court to continue after the conviction date or after the date on which the violator receives written notice from the Town that he is in violation, whichever is earlier.